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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/810,395	MULLER, MICHAEL A.
Examiner	Art Unit	
John L Young	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 October 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-103 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-103 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

Art Unit: 3622

**NON-FINAL OFFICE ACTION REJECTION****DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

**CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-103 are rejected under 35 U.S.C. §103( a ) as being obvious over Joao US 2001/0056374 (Dec. 27, 2001) [US f/d: Jun. 21, 2001] {Provisional f/d: Jun. 22, 2000} (herein referred to as "Joao").

As per independent claim 1, Joao (¶¶[0005]; [0006]; [0019]; [0024]; [0025]; [0026]; [0117]; [0120]; [0127]; 0128]; [0129]) discloses: "*A server on a network.*"

Joao (the ABSTRACT; FIG. 10A; FIG. 8B; ¶¶[0016]; [0017]; [0018]; [0034]) shows “[receiving] from a first participant via the network a formulation of a problem to be solved. . . .”

Joao (¶¶[0061]; [0005]; [0006]; [0019]; [0024]; [0025]; [0026]; [0117]; [0120]; [0127]; 0128]; [0129]) shows: “[receiving] from a plurality of other participants via the network suggested solutions to the problem. . . .”

Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶ [0036]; [0002]; [0003]; [0004]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0026]; [0086]; [0095]) shows: “[distributing] portions of . . . [compensation] to those participants who contribute suggested solutions to the problem. . . .” In this case the Examiner interprets “compensation” as an “award.”

Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; 0128]; [0129] [0036]) shows: “wherein the server is configured to distribute a portion of . . . [compensation] . . . to at least one participant [sic] contributed a suggested solution to the problem.”

Joao lacks a showing of “[distributing] portions of an award . . . .” and “[distributing] a portion of the award, before it has been determined that the problem has been solved. . . .”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify and interpret the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; 0128]; [0129] [0036] and whole document) as implicitly showing “wherein the server is configured to distribute a portion of an award . . . to at least one participant [sic] contributed a suggested solution to the problem. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004])) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

Claim 2 is rejected for at least substantially the same reasons as claim 1.

Claim 3 is rejected for at least substantially the same reasons as claim 1.

As per dependent claim 4, Joao shows the server of claim 1.  
Joao (¶¶[0120]; [0123]; [0147]; [0194]; 0228]; [0258]; and [293]) shows: “*activity in real-time. . . .*”

Joao lacks an explicit showing of “[managing] a discussion of the problem and the suggested solutions; and receive and display the discussion in real time.”

“Official Notice” is taken that both the concepts and the advantages of “[managing] a discussion of the problem and the suggested solutions; and receive and display the discussion in real time. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; 0128]; [0129] [0036] and whole document) as implicitly showing “[managing] a discussion of the problem and the suggested solutions; and receive and display the discussion in real time. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

As per dependent claim 5, Joao shows the server of claim 1.

Joao (the ABSTRACT; FIG. 10A; FIG. 8B; ¶¶[0016]; [0017]; [0018]; [0034]) shows “[receiving] . . . the . . . formulation of the problem. . . .” Joao (¶¶[0061]; [0005]; [0006]; [0019]; [0024]; [0025]; [0026]; [0117]; [0120]; [0127]; 0128]; [0129]) shows: “[receiving] . . . the suggested solutions. . . .”

Joao lacks a showing of “[receiving] anonymously. . . .”

“Official Notice” is taken that both the concepts and the advantages of “[receiving] anonymously the formulation. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; 0128]; [0129] [0036] and whole document) as implicitly shows “[receiving] anonymously the formulation. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004]).

Claim 6 is rejected for at least substantially the same reasons as claim 1.

Claim 7 is rejected for at least substantially the same reasons as claim 1.

As per dependent claim 8, Joao shows the server of claim 1.

Joao ([0190]; [0198]; [0225]; [0232]; [0246]; [0256]; [0291]; [0297]; and [320]) shows “predetermined time. . .”

Joao lacks a showing of “the first participant has not awarded all of the portions of the award to the other participants . . . at least some of the remaining portions of the award are automatically distributed to the other participant who has received . . . the largest fraction of the award.”

“Official Notice” is taken that both the concepts and the advantages of “the first participant has not awarded all of the portions of the award to the other participants within a predetermined time, at least some of the remaining portions of the award are automatically distributed to the other participant who has received within the predetermined time the largest fraction of the award. . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; [0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117];

[0120]; [0127]; 0128]; [0129] [0036] and whole document) as implicitly shows “the first participant has not awarded all of the portions of the award to the other participants within a predetermined time, at least some of the remaining portions of the award are automatically distributed to the other participant who has received within the predetermined time the largest fraction of the award. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004]).

Claim 9 is rejected for at least substantially the same reasons as claim 1.

Claim 10 is rejected for at least substantially the same reasons as claim 9 and claim 1 (see Joao (¶¶[0115]; [0117]; [0126]; and [0123]).

As per dependent claim 11, Joao shows the server of claim 9. Joao lacks a showing of “where the presenter is selected by the other participants. . . .”

“Official Notice” is taken that both the concepts and the advantages of “where the presenter is selected by the other participants. . . .” were well known and expected in

the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows “where the presenter is selected by the other participants. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004])) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

Claim 12 is rejected for at least substantially the same reasons as claim 5.

As per dependent claim 13, Joao shows the server of claim 2.

Joao lacks a showing of “the tools further adapted to block the further development of a selected suggested solution. . . .”

“Official Notice” is taken that both the concepts and the advantages of “the tools further adapted to block the further development of a selected suggested solution. . . .” were well known and expected in the art by one of ordinary skill at the time of the

invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows “the tools further adapted to block the further development of a selected suggested solution. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004])) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

As per dependent claim 14, Joao shows the server of claim 2.

Joao lacks a showing of “the tools further adapted to allow the first participant to select one of the suggested solutions and control the discussion and distribution of the portions of the award in the context of the selected suggested solution. . . .”

“Official Notice” is taken that both the concepts and the advantages of “the tools further adapted to allow the first participant to select one of the suggested solutions and control the discussion and distribution of the portions of the award in the context of the selected suggested solution. . . .” were well known and expected in the art by one of

ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; 0128]; [0129] [0036] and whole document) as implicitly shows “the tools further adapted to allow the first participant to select one of the suggested solutions and control the discussion and distribution of the portions of the award in the context of the selected suggested solution. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004]).

Claim 15 is rejected for at least substantially the same reasons as claim 1.

As per dependent claim 16, Joao shows the server of claim 1.  
Joao lacks a showing of “[receiving] a selection of at least one competent authority form the other participants on the basis of suggested solutions delivered by the at

least one competent authority via the network; and facilitate a private problem resolution discussion between a client and the selected at least one competent authority. . . .”

“Official Notice” is taken that both the concepts and the advantages of “[receiving] a selection of at least one competent authority form the other participants on the basis of suggested solutions delivered by the at least one competent authority via the network; and facilitate a private problem resolution discussion between a client and the selected at least one competent authority. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows “[receiving] a selection of at least one competent authority form the other participants on the basis of suggested solutions delivered by the at least one competent authority via the network; and facilitate a private problem resolution discussion between a client and the selected at least one competent authority. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the

motivation to modify Joao so as to “secure the attention of the . . . audience. . . .” (see Joao (¶[0004]).

Claim 17 is rejected for at least substantially the same reasons as claim 1 and claim 16.

As per dependent claim 18, Joao shows the server of claim 16.

Joao lacks a showing of “wherein the first participant is an employee of the client. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the first participant is an employee of the client. . . .”

were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows “wherein the first participant is an employee of the client. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or

*activities. . . .* (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

As per dependent claim 19, Joao shows the server of claim 16.

Joao lacks a showing of “wherein the at least one competent authority is preselected before the formulation of the problem is received by the server. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the at least one competent authority is preselected before the formulation of the problem is received by the server. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows of “wherein the at least one competent authority is preselected before the formulation of the problem is received by the server. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

As per dependent claim 20, Joao shows the server of claim 16.

Joao lacks a showing of “to provide a negotiation forum for the at least one competent authority and the client negotiate a level of award to be awarded to the at least one competent authority for the suggested solution. . . .”

“Official Notice” is taken that both the concepts and the advantages of “to provide a negotiation forum for the at least one competent authority and the client negotiate a level of award to be awarded to the at least one competent authority for the suggested solution. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; 0128]; [0129] [0036] and whole document) as implicitly shows of “to provide a negotiation forum for the at least one competent authority and the client negotiate a level of award to be awarded to the at least one competent authority for the suggested solution. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .”

(see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . .*” (see Joao (¶[0004])).

As per dependent claim 21, Joao shows the server of claim 4.

Joao lacks a showing of “A server . . . operable to thread the discussions. . . .” “Official Notice” is taken that both the concepts and the advantages of “A server . . . operable to thread the discussions. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows of “A server . . . operable to thread the discussions. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

As per dependent claim 22, Joao shows the server of claim 1.

Joao lacks a showing of “wherein the first participant authorizes the level of the amount of each portion of the award before the other participants send the suggested solutions, thereby finalizing the distribution of the portions of the award. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the first participant authorizes the level of the amount of each portion of the award before the other participants send the suggested solutions, thereby finalizing the distribution of the portions of the award. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows of “wherein the first participant authorizes the level of the amount of each portion of the award before the other participants send the suggested solutions, thereby finalizing the distribution of the portions of the award. . . .” because modification and interpretation of the cited disclosure of Joao would have provided “*compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering efforts and/or activities. . . .*” (see Joao (¶[0004]) based on the motivation to modify Joao so as to “*secure the attention of the . . . audience. . . .*” (see Joao (¶[0004])).

Claim 23 is rejected for at least substantially the same reasons as claim 1 and claim 2.

Claim 24 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 4.

Claim 25 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 5.

Claim 26 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 6.

Claim 27 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 7.

Claim 28 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 9.

Claim 29 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 13.

Claim 30 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 14.

Claim 31 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 16.

Claim 32 is rejected for at least substantially the same reasons as claim 1, claim 2 and claim 20.

Claim 33 is rejected for at least substantially the same reasons as claim 23.

Claim 34 is rejected for at least substantially the same reasons as claim 27.

Claim 35 is rejected for at least substantially the same reasons as claim 28.

Claim 36 is rejected for at least substantially the same reasons as claim 24.

Claim 37 is rejected for at least substantially the same reasons as claim 25, and claim 5.

Claim 38 is rejected for at least substantially the same reasons as claim 26.

Claim 39 is rejected for at least substantially the same reasons as claim 28.

Claim 40 is rejected for at least substantially the same reasons as claim 8.

Claim 41 is rejected for at least substantially the same reasons as claim 28.

Claim 42 is rejected for at least substantially the same reasons as claim 10.

Claim 43 is rejected for at least substantially the same reasons as claim 11.

Claim 44 is rejected for at least substantially the same reasons as claim 12.

Claim 45 is rejected for at least substantially the same reasons as claim 13.

Claim 46 is rejected for at least substantially the same reasons as claim 14.

Claim 47 is rejected for at least substantially the same reasons as claim 15.

Claim 48 is rejected for at least substantially the same reasons as claim 16.

Claim 49 is rejected for at least substantially the same reasons as claim 17.

Claim 50 is rejected for at least substantially the same reasons as claim 18.

Claim 51 is rejected for at least substantially the same reasons as claim 19.

Claim 52 is rejected for at least substantially the same reasons as claim 20.

Claim 53 is rejected for at least substantially the same reasons as claim 21.

Claim 54 is rejected for at least substantially the same reasons as claim 22.

Claim 55 is rejected for at least substantially the same reasons as claim 1.

Claim 56 is rejected for at least substantially the same reasons as claim 36.

Claim 57 is rejected for at least substantially the same reasons as claim 37.

Claim 58 is rejected for at least substantially the same reasons as claim 38.

Claim 59 is rejected for at least substantially the same reasons as claim 39.

Claim 60 is rejected for at least substantially the same reasons as claim 41.

Claim 61 is rejected for at least substantially the same reasons as claim 48.

Claim 62 is rejected for at least substantially the same reasons as claim 52.

Claim 63 is rejected for at least substantially the same reasons as claim 21.

Claim 64 is rejected for at least substantially the same reasons as claim 22.

Claim 65 is rejected for at least substantially the same reasons as claim 55.

Claim 66 is rejected for at least substantially the same reasons as claim 3.

Claim 67 is rejected for at least substantially the same reasons as claim 4.

Claim 68 is rejected for at least substantially the same reasons as claim 5 and  
claim 25.

Claim 69 is rejected for at least substantially the same reasons as claim 6.

Claim 70 is rejected for at least substantially the same reasons as claim 9.

Claim 71 is rejected for at least substantially the same reasons as claim 8.

Claim 72 is rejected for at least substantially the same reasons as claim 9.

Claim 73 is rejected for at least substantially the same reasons as claim 11.

Claim 74 is rejected for at least substantially the same reasons as claim 13.

Claim 75 is rejected for at least substantially the same reasons as claim 14.

Claim 76 is rejected for at least substantially the same reasons as claim 16.

Claim 77 is rejected for at least substantially the same reasons as claim 17.

Claim 78 is rejected for at least substantially the same reasons as claim 18.

Claim 79 is rejected for at least substantially the same reasons as claim 19.

Claim 80 is rejected for at least substantially the same reasons as claim 20.

Claim 81 is rejected for at least substantially the same reasons as claim 21.

Claim 82 is rejected for at least substantially the same reasons as claim 22.

Claim 83 is rejected for at least substantially the same reasons as claim 23.

Claim 84 is rejected for at least substantially the same reasons as claim 56.

Claim 85 is rejected for at least substantially the same reasons as claim 57.

Claim 86 is rejected for at least substantially the same reasons as claim 58.

Claim 87 is rejected for at least substantially the same reasons as claim 59.

Claim 88 is rejected for at least substantially the same reasons as claim 60.

Claim 89 is rejected for at least substantially the same reasons as claim 61.

Claim 90 is rejected for at least substantially the same reasons as claim 62.

Claim 91 is rejected for at least substantially the same reasons as claim 63.

Claim 92 is rejected for at least substantially the same reasons as claim 1.

As per dependent claims 93-103, Joao shows the system/method/code of claims 6, 23, 33, 55, 65, 83 respectively.

Joao lacks a showing of a “visitor” and “a quality assessment. . .”

“Official Notice” is taken that both the concepts and the advantages of a “visitor” and “a quality assessment. . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Joao (the ABSTRACT; FIG. 8D, el. 824; FIG. 10C; ¶¶[0002]; [0003]; [0004]; [0005]; [0006]; [0007]; [0008]; [0009]; [0010]; [0011]; [0019]; [0024]; [0025]; [0026]; [0039]; [0046]; [0057]; [0068]; [0069]; [0086]; [0095]; [0117]; [0120]; [0127]; [0128]; [0129] [0036] and whole document) as implicitly shows of a “visitor” and “a quality assessment. . .” because modification and interpretation of the cited disclosure of Joao would have provided “compensation to individuals . . . who . . . participate in and/or interact with, surveys, pools, questionnaires, and/or other information gathering

*efforts and/or activities. . .*" (see Joao (¶[0004]) based on the motivation to modify Joao so as to "*secure the attention of the . . . audience. . .*" (see Joao (¶[0004])).

## **RESPONSE TO ARGUMENTS**

3. Applicant's arguments (filed 10/01/2004) have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection.

## **CONCLUSION**

4. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

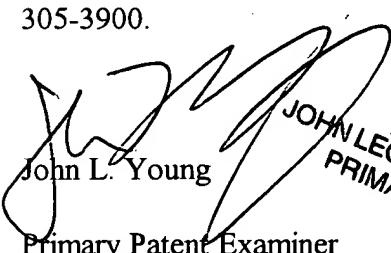
Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Primary Patent Examiner  
JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

January 18, 2005